

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Veronica Gutierrez-Howerton,)
Plaintiff,) Case No.: 2:13-cv-01261-GMN-PAL
vs.)
Nicole Gonzalez, et al.,)
Defendants.)

)

Pending before the Court is the Report and Recommendation, (ECF No. 30), of United States Magistrate Judge Peggy A. Leen. Plaintiff Veronica Gutierrez-Howerton filed an Objection, (ECF No. 31), to which Defendants Nicole Gonzalez, Phillip Glover, Jeffrey Goodwin, and Byron Gray responded, (ECF No. 32).

As discussed by Judge Leen, Plaintiff has consistently demonstrated a failure to diligently prosecute her claims and participate in discovery since this case was filed. After notice was given to Plaintiff that she was at risk of her case being dismissed for failure to comply with Court orders, Plaintiff still failed to prosecute this action or comply with applicable rules. Accordingly, Judge Leen recommends that the action be dismissed with prejudice.

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a de novo determination of those portions of the Report to which objections are made. *Id.* The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. R. IB 3-2(b).

In her Objection, Plaintiff contends that her failures to participate in discovery and

1 comply with Court orders were not willful. (ECF No. 31). Accordingly, Plaintiff argues that
2 the Court should impose a sanction less harsh than dismissal with prejudice. (*Id.*) However, the
3 docket is rife with examples of Plaintiff’s noncompliance, such as: (1) refusing to answer
4 Defendants’ interrogatories for over ten months, even after Judge Leen ordered her to respond,
5 (ECF No. 28), and (2) failing to appear at a hearing despite being granted an extension and
6 leave to appear telephonically, (ECF No. 27). Upon reviewing the matters underlying the
7 Report and Recommendation de novo, the Court agrees with Judge Leen’s finding that
8 Plaintiff’s actions have “interfered with the Court’s ability to hear this case, delayed litigation,
9 disrupted the Court’s timely management of its docket, wasted judicial resources, and
10 threatened the integrity of the Court’s orders and the orderly administration of justice.” (ECF
11 No. 30). Thus, the Court will adopt Judge Leen’s Report and Recommendation.

12 **IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 30) is
13 **ACCEPTED and ADOPTED**. Plaintiff's Complaint is dismissed with prejudice. The Clerk
14 shall enter judgment accordingly and close the case.

15 || **DATED** this 15th day of September, 2014.

~~Gloria M. Navarro, Chief Judge
United States District Court~~